

MINUTES OF THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF QUOGUE, 7 VILLAGE LANE, QUOGUE, NEW YORK, ON FRIDAY
JANUARY 16, 2015 AT 4:00 PM.

PRESENT: Mayor Peter Sartorius, Trustees Randy Cardo, Jeanette Obser, Kimberley Payne,
Village Attorney Richard DePetrus and Village Clerk Aimee Buhl

ABSENT: Trustee Ted Necarsulmer

OTHERS PRESENT: Police Chief Robert Coughlan, Fire Chief Bruce Davidson, Building
Inspector Bill Nowak, Aigena Rigdon, Bill Berrien, Dick Gardner, Frances Ryan, Dieter Von
Lehsten, Cecelia Lazarescu and Ann E. Janis

The Mayor invited everyone to join him in the Pledge of Allegiance.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it
was RESOLVED, the Minutes of Regular Meeting held on December 19, 2014 are hereby
approved.

Upon motion made by Jeanette Obser, seconded by Kimberley Payne and unanimously carried,
the Abstract of Audited Vouchers Schedule 01-15, \$302,240.18 and Treasurer's Report for the
Month ending December 31, 2014 were approved as follows:

\$ 82,136.68 Checking Account
\$ 603,076.09 Capital Reserves
\$6,215,947.02 Investments
\$6,901,159.79 Total General Fund 12/31/14

The Clerk gave the report for December 2014 False Fire and Burglar Alarms as follows:

Burglar Billed: \$400; Burglar Collected: \$100
Fire Billed: \$0; Fire Collected: \$0

Fire Chief Bruce Davidson gave the December report for the Fire Department, Police Chief
Robert Coughlan gave the December report for the Police Department, and Chief Building
Inspector Bill Nowak gave the December report for the Building Department.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it
was RESOLVED that the General Village Election of the Village of Quogue, New York will be
held on Friday, June 19, 2015. The polling place for the 2015 General Village Election shall be
at the Quogue Firehouse, Jessup Avenue, Quogue, New York. The polls shall open at 12:00
noon and close at 9:00 p.m. prevailing time and the offices to be filled at said General Village
Election and the terms thereof are as follows:

Trustees – two (2) for the term of two (2) years

Justice – one (1) for the term of four (4) years

Upon motion made by Jeanette Obser, seconded by Randy Cardo and unanimously carried, it was RESOLVED, special Village registration day, pursuant to Election Law Section 15-118(5), is hereby abolished.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED, the certified amount of unpaid Village taxes for the fiscal year 2014-2015 submitted by the Treasurer of the Village of Quogue, and as provided in Section 1454 of the Real Property Tax Law of the State of New York, has been compared with the original tax roll and has been found to be correct and the amount of unpaid taxes is \$33,675.50 (see listing attached) and further to approve that the unpaid village taxes for such fiscal year will be sold by Public Tax Sale at which sale certificates of tax liens for such unpaid taxes shall be properly sold with interest and advertising fee (\$25); such tax sale shall be held in the manner provided by law, at 9:15 A.M. on Tuesday, March 10, 2015 and notices of such tax sale to be published in the Southampton Press-Western Edition for three (3) consecutive weeks in issues dated 02/19/15; 02/26/15 and 03/05/15 in accordance with statutory law.

Upon motion made by Jeanette Obser, seconded by Kimberley Payne and unanimously carried, it was RESOLVED the renewal of four separate maintenance agreements and service contracts in the amount of \$450, \$468, \$150 and \$1,494 from Durand H.V.A.C. Systems, Inc. for the heating systems for the Police and Highway Departments and the heating and A/C systems for the Fire House and Gym for the period of 2/1/15 to 1/31/16 is hereby approved.

Upon motion made by Randy Cardo, seconded by Jeanette Obser and unanimously carried, it was RESOLVED a transfer from A1990400 Special Items/Contingent Account to A8020446 Planning/Engineer Contractual Services in the amount of \$3,000 for engineer fees is hereby approved.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED the reconstruction of bulkhead and walkway located at 95 & 97 Dune Road/ TM# 15-1-3&4 is hereby approved. Agena Rigdon of DKR Shores was in attendance to represent the owner.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED the reconstruction of bulkhead at 37 Old Main Road/ TM# 3-1-16.2 is hereby approved.

Upon motion made by Jeanette Obser, seconded by Randy Cardo and unanimously carried, it was RESOLVED the resignation, with regret, of Police Officer Kellie Hanley effective 1/14/15 is accepted.

Upon motion made by Peter Sartorius, seconded by Randy Cardo, and unanimously carried, it was RESOLVED the request from former Police Officer Kellie Hanley for a leave of absence pursuant to Section 26B of the collective bargaining agreement is denied.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED an increase in purchase order number 4470 Sea Level Construction in the amount of \$2,240 for additional required work (\$1,120 T93PD and \$1,120 T93FD) is hereby approved.

Upon motion made by Randy Cardo, seconded by Jeanette Obser and unanimously carried, it was RESOLVED the Mayor is authorized to make full or in Mayor's discretion partial payment to G& M Dege, Inc. for the new fuel tank installation and removal of existing tanks. The Mayor

commented that almost all work has been completed and that the company has been a pleasure to work with.

Upon motion made by Kimberley Payne, seconded by Randy Cardo and unanimously carried, it was RESOLVED the Mayor is authorized to sign indemnification agreement with the owners of 5 Old Point Road in connection with a fire department training exercise.

Upon motion made by Jeanette Obser, seconded by Randy Cardo and unanimously carried, it was RESOLVED the acceptance of a donation to the Police Department in the amount of \$100.00 from the Martin and Florence Rothman Donor Advised Fund of the Endowment Foundation of Jewish Federation of Northern New Jersey (recommended by Mr. and Mrs. William Rothman) to be funded into revenue account A2705 (Donations) is hereby approved.

Upon motion made by Randy Cardo, seconded by Kimberley Payne and unanimously carried it was RESOLVED a budget transfer in the amount of \$100.00 from A2705 (Donations) to A3120.416 (Police- Supplies/Office & Misc.) is hereby approved.

Upon motion made by Randy Cardo, seconded by Kimberley Payne and unanimously carried, it was RESOLVED a budget increase to account A362049 Safety Inspection/Miscellaneous in the amount of \$385 for training class lunch and increase corresponding revenue code A2770 Unclassified Revenue for payments received by attendees is hereby approved.

The Mayor opened the Public Hearing on the proposed Local Law No. 2014 “Adding a New Chapter 142 (Retail Checkout Bags).” Dieter von Lehsten, co-chairman of Southampton Town’s Sustainable Green Advisory Committee was in attendance and described the status in other jurisdictions. France Ryan commented on provisions to be made for carrying raw meat. The Mayor advised that the clear produce bags would still be permissible. Upon motion made by Mayor Sartorius, seconded by Kimberley Payne and unanimously carried, the public hearing was closed at 4:28 P.M.

Upon motion made by Peter Sartorius, seconded by Kimberley Payne and unanimously carried, it was RESOLVED, that for reasons set forth in Section 1 of this proposed law, the Board of Trustees finds that this local law will not have any significant adverse impact on the environment.

Upon motion made by Mayor Sartorius, it was RESOLVED, that this proposed law be enacted as Local Law 1 of 2015. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mayor Sartorius:	Voting Aye
Trustee Payne	Voting Aye
Trustee Cardo:	Voting Aye
Trustee Obser	Voting Aye

Local Law No. 1 of 2015

A Local Law Adding a New Chapter 142
(Retail Checkout Bags) to the Village Code

Section 1. Because the economic vitality of the East End of Long Island is inextricably linked with our natural resources, it is of utmost importance that the Village of Quogue joins its neighboring municipalities to provide ample protections to preserving the natural beauty and resources of our environment. The proliferation and dissemination of plastic shopping bags at retail establishments has resulted in the Village's and region's natural resources being impacted and blemished when discarded bags find their way into our waters, dunes, woods and other natural environments and litter our roads, trails, fields and playgrounds. As a result of the damage that these bags have caused and the threat of future damage they pose to the area's environmental conditions, the Village finds it necessary to join its neighboring municipalities in restricting retail establishments from providing certain plastic bags to customers for the carrying of goods taken from their establishments and encourage the use of reusable bags.

Section 2. The Village Code is hereby amended by adding a new Chapter 142 (Retail Checkout Bags) to read in its entirety as follows:

CHAPTER 142

RETAIL CHECKOUT BAGS.

Section 142-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CHECKOUT BAG - A carryout bag that is provided to a customer at the point of sale. The term "checkout bag" does not include plastic produce bags or plastic bags measuring 28" by 36" or larger in size.

PLASTIC PRODUCE BAG - A flexible container made of very thin plastic material with a single opening that is used to transport produce, meats or other items selected by customers to the point of sale.

RETAIL SALES - The transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmers' markets, flea markets and restaurants. The term "retail sales" does not include sales of goods at yard sales, tag sales, other sales by residents at their home, and sales by non-profit organizations.

RECYCLABLE PAPER BAG - A paper bag that is 100% recyclable.

REUSABLE BAG - A bag with handles that is specifically designed and manufactured for multiple reuse and is (1) made of cloth or other fabric, and/or (2) made of durable plastic that is at least 2.25 mils thick.

Section 142-2. Restriction on Retail Checkout Bags.

- A. Any person engaged in retail sales shall provide only reusable bags and/or recyclable paper bags as checkout bags to customers.
- B. Persons engaged in retail sales may make reusable bags available for sale to customers.

Section 142-3. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

Section 3. The Board of Trustees is authorized to establish and promulgate rules and regulations regarding protecting the Village's environment and natural resources pursuant to §10 of Municipal Home Rule Law and § 4-412(1) of New York State Village Law.

Section 4. If any section or subdivision, paragraph, clause, phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 5. This local law shall take effect on April 22, 2015 or upon filing with the Secretary of State, whichever is later.

*

*

*

Upon motion made by Mayor Sartorius, seconded by Randy Cardo and unanimously carried, it was RESOLVED the introduction of "Local Law No. ____ of 2015 Authorizing A Property Tax

Levy In Excess Of The Limit Established In General Municipal Law §3-c” and scheduling of a public hearing to be held on Friday, February 20, 2015 at 4:00 PM is hereby approved.

Local Law No. ____ of 2015

A Local Law Authorizing A Property
Tax Levy In Excess Of The Limit Established
In General Municipal Law §3-c

Section 1. Legislative Intent.

It is the intent of this local law to allow the Village of Quogue to adopt a budget for the fiscal year commencing June 1, 2015 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the tax levy limit for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override.

The Board of Trustees of the Village of Quogue is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2015 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Repeal.

If the Board of Trustees of the Village of Quogue adopts a budget for the fiscal year commencing June 1, 2015 that does not require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c (to wit, if the authorization contained in Section 3 of this local law is not utilized), this local law may be repealed by resolution of the Village Board of Trustees (to wit, without a public hearing and without any further local law).

Section 5. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect , impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective date.

This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

* * *

The Mayor introduced "Local Law No. ____ of 2015 amending Chapter 196 (Zoning) of the Village Code" and scheduled a public hearing to be held on Friday, February 20, 2015 at 4:00 PM.

Bill Berrien, Planning Board Chairman, commented on the proposed law and questioned the difference between a home professional office and a home occupation. Richard DePetrus stated that "home professional office" is a standard term utilized in zoning codes. Mayor Sartorius stated that Mr. Berrien's comments will be thought about and that he will be given the opportunity to comment during February's meeting. Dick Gardner, planning board member, asked for clarification regarding businesses being conducted in the home outside of the proposed four parcels. Rick DePetrus stated that this law concerns parcels that could be approved for a special exception use which in turn would be permitted to allow parking and signage. Cecilia Lazarescu asked the board for clarification regarding the location of where these home offices would be allowed.

A Local Law Amending Chapter 196
(Zoning) Of The Village Code With
Respect To The Business B-2 District

Section 1. The Zoning Map (which constitutes a part of Chapter 196) is hereby amended so as to locate and place the four parcels designated on the Suffolk County Tax Map as District 902, Section 9, Block 2, Lots 1.1, 1.2, 1.3 and 1.4 and the two parcels designated on the Suffolk County Tax Map as District 902, Section 3, Block 4, Lots 70 and 82.4 (said six parcels being currently located in the Business B-2 District) in the Residence A-5 District.

Section 2. The Table of Dimensional Regulations (which constitutes a part of Chapter 196) is hereby amended so as to change the following dimensional regulations as hereinafter set forth in the Business B-2 District:

(a) the minimum lot area regulation is changed from 40,000 square feet to 20,000 square feet;

(b) the minimum lot width and minimum street frontage regulations are changed from 150 feet to 100 feet;

(c) the minimum front yard regulation for principal building (including the minimum abutting side street on corner lot regulation) and the minimum distance from street regulation for accessory buildings and structures are changed from 100 feet to 40 feet.

Section 3. The definition of “special exception use” in §196-2B is hereby amended by inserting the clause “or by the Planning Board, if so provided,” immediately after the clause “by the Board of Appeals, if so provided,”.

Section 4. §196-14B is hereby amended by adding item (5) to read as follows:

(5) A home professional office accessory use within a one-family dwelling or a home occupation accessory use within a one-family dwelling, as a special exception use, when authorized by the Planning Board, provided that the Planning Board determines that the proposed accessory use on the particular parcel for which proposed will not produce an undesirable change in the character of the neighborhood, and subject to the following provisions:

(a) In the Business B-2 District, a one-family dwelling as permitted in the Residence A-5 District is a permitted use, and various business uses are permitted uses. There is no provision which permits a mixed use building containing a one-family dwelling use and a business use as independent or principal uses. The provisions of §196-14B(5) are intended to accommodate a one-family dwelling with a home professional office accessory use therein or a home occupation accessory use therein on a

parcel which is not used for any principal use other than a one-family dwelling.

(b) As used herein, the following terms shall have the indicated meanings and shall be subject to the following restrictions:

(i) A home professional office means the office of a resident physician, surgeon, dentist or other person licensed by the State of New York to practice a healing art, lawyer, architect, artist, engineer, interior designer, real estate broker or salesman, insurance broker or agent, or teacher as herein restricted. For the purpose of this definition, a teacher shall be restricted to a person giving individual instruction in academic or scientific subjects to a single pupil at one time. The home professional office of a physician shall not include a biological or other medical testing laboratory. A home professional office shall not occupy more than the equivalent of 1/2 of the floor area of one floor of the dwelling.

(ii) A home occupation means any gainful occupation customarily conducted within a dwelling by the residents thereof that is clearly secondary to the residential use and that does not change the character of the dwelling as a residence. A home occupation shall not occupy more than 1/3 of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling if so used.

(iii) A home professional office or home occupation shall not employ more than two persons who are not members of the family.

(iv) A home professional office or home occupation shall not include the office or occupation of any person engaged principally in the purchase or sale of goods at the premises.

(c) The one-family dwelling shall be an owner-occupied one-family dwelling, to wit, occupied by the owner as a residence. Such accessory use shall be conducted by such owner (a resident of the dwelling) as an accessory use that is secondary and subordinate to the residential use.

(d) There shall be no change in the nature or character of the particular accessory use approved by the Planning Board without further approval from the Planning Board.

(e) The floor area of the particular accessory use as approved by the Planning Board shall not be increased without further approval from the Planning Board.

(f) Incident to granting special exception use approval, the Planning Board may impose reasonable conditions and safeguards.

(g) No sign relating to such accessory use shall be installed without approval from the Planning Board. Any sign relating to such accessory use shall be consistent with the character of the property as a one-family dwelling with such accessory use in the Business B-2 District, as determined by the Planning Board. No such sign as approved by the Planning Board shall be enlarged, extended, relocated or changed in style or character without further approval from the Planning Board.

Section 5. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

*

*

*

With no further matters to discuss, and upon motion made by Kimberley Payne and seconded by Randy Cardo, the meeting was adjourned at 4:45 P.M.

Aimee Buhl, Village Clerk